

REMARKS

Claims 1-14, 16-22 and 25-47 are active in the present application. Claims 23-24 have been cancelled. Claims 3038-40 and 45-47 have been revised as composition claims. Other minor editorial revisions have been made to the claims. Accordingly, the Applicants do not believe that any new matter has been added.

The Applicants thank Examiner Robinson for the courteous and helpful discussion of September 17, 2004. The enablement rejection of Claims 23-24 and diseases associated with thrombus formation were discussed. It was suggested that these claims might be cancelled to expedite prosecution. The examiner indicate that the statutory double patenting rejection would likely be replaced by an obviousness-type double patenting rejection, and that such obviousness-type double patenting rejections could be addressed by filing suitable terminal disclaimers. The Applicants have now cancelled Claims 23-24 and file herewith terminal disclaimers. Accordingly, they respectfully submit that this application is now in condition for allowance.

Rejection—35 U.S.C. §112, first paragraph

Claims 23 and 24 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate enablement. This rejection is moot in view of the cancellation of these claims.

Objection—Claims

Claims 39-41 were objected to as failing to further limit. This objection is moot in view of the amendment of these claims to be composition claims.

Rejection—35 U.S.C. §112, second paragraph

Claims 23, 24, and 39-41 were rejected under 35 U.S.C. 112, second paragraph, as

indefinite. These rejections are moot in view of the amendment of these claims.

Double Patenting

Claim 20 was rejected under 35 U.S.C. 101 as claiming the same invention as that of Claims 1-2 of U.S. Patent No. 6,538,007. As discussed with the Examiner, the Applicants submit that the scope of Claim 20 differs from that of Claims 1-2 of the prior patent. However, to avoid an obviousness-type double patenting rejection, a terminal disclaimer over the prior patent is submitted herewith.

Obviousness-type Double Patenting

Claims 1-20, 23-29 and 39-47 were rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over various claims in prior U.S. Patent Nos. 6,384,028 or 6,380,215. Terminal disclaimers over these patents are submitted herewith obviating these rejections. U.S. Application No. 09/865,420 is the present application so the provisional rejection may be withdrawn. The Applicants respectfully request that any other potential provisional double patenting rejections should not be imposed in view of MPEP 804.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully request allowance of this application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



Thomas M. Cunningham
Registration No. 45,394